

\*\*\*\*\* UNITED STATES DISTRICT COURT \*\*\*\*\*

NORTHERN DISTRICT OF NEW YORK

JUDGMENT IN A CIVIL CASE

DOCKET NO. 1:09-cv-652(GLS/DRH)

**MICHAEL WAGNER, LEVI INGERSOLL,  
KEN FENWICK and SIDNEY ALPAUGH**

**v.**

**DAVID J. SWARTS, et al.**

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**JURY VERDICT.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

  **X**  

**DECISION BY COURT.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED, that defendants' motion for summary judgment (Dkt. No. 61) is GRANTED. That plaintiffs' cross-motion for summary judgment and class certification (Dkt. No. 64) is DENIED. That all claims against defendants are DISMISSED, in accordance with the Memorandum-Decision and Order issued by U.S. District Judge Gary L. Sharpe on November 17, 2011.**

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November 17, 2011

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**LAWRENCE K. BAERMAN**  
CLERK OF THE COURT

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BY: S/  
DEPUTY CLERK  
John Law